

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
CIVIL ACTION NO. 3:15-CV-209-GCM-DCK**

<b>REBECCA PLYLER,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>MEMORANDUM AND</b>
	)	<b>RECOMMENDATION</b>
	)	
<b>CAROLYN W. COLVIN,</b>	)	
<b>Commissioner of Social Security</b>	)	
	)	
<b>Defendant.</b>	)	
	)	

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**THIS MATTER IS BEFORE THE COURT** on Plaintiff's "Memorandum Of Point And Authorities In Support Of Plaintiff's Motion For Summary Judgment" (Document No. 14) filed September 3, 2015. This motion has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b), and immediate review is appropriate. Having carefully considered the motion, the record, and applicable authority, the undersigned will recommend that the motion be denied without prejudice.

The undersigned observes that Plaintiff's "Memorandum..." (Document No. 14) fails to comply with the Court's "Social Security Briefing Order" (3:13-mc-198-FDW, Document No. 1) linked to a Text-Only Order on the docket for this case on July 9, 2015. As such, the undersigned recommends that the instant motion be dismissed, and that Plaintiff be allowed additional time to file a Motion For Summary Judgment and a supporting Memorandum of Law.

**FOR THE FOREGOING REASONS**, the undersigned respectfully recommends that Plaintiff's "Memorandum Of Point And Authorities In Support Of Plaintiff's Motion For Summary Judgment" (Document No. 14) be **DENIED WITHOUT PREJUDICE**.

**IT IS FURTHER RECOMMENDED** that Plaintiff be allowed an extension of time until **September 11, 2015**, to file an appropriate motion and supporting memorandum that comply with the Court's "Social Security Briefing Order."

**TIME FOR OBJECTIONS**

The parties are hereby advised that pursuant to 28 U.S.C. § 636(b)(1)(C), and Rule 72 of the Federal Rules of Civil Procedure, written objections to the proposed findings of fact, conclusions of law, and recommendation contained herein may be filed **within fourteen (14) days** of service of same. Responses to objections may be filed within fourteen (14) days after service of the objections. Fed.R.Civ.P. 72(b)(2). Failure to file objections to this Memorandum and Recommendation with the District Court constitutes a waiver of the right to de novo review by the District Court. Diamond v. Colonial Life, 416 F.3d 310, 315-16 (4th Cir. 2005). Moreover, failure to file timely objections will preclude the parties from raising such objections on appeal. Diamond, 416 F.3d at 316; Page v. Lee, 337 F.3d 411, 416 n.3 (4th Cir. 2003); Snyder v. Ridenhour, 889 F.2d 1363, 1365 (4th Cir. 1989); Thomas v. Arn, 474 U.S. 140, 147-48 (1985), reh'g denied, 474 U.S. 1111 (1986).

**IT IS SO RECOMMENDED.**

Signed: September 3, 2015

  
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David C. Keesler  
United States Magistrate Judge

